

NTSB Order No. EA-4376

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD  
at its office in Washington, D.C.  
on the 30th day of June, 1995

Docket SE-14033

Respondent, pro se, filed a timely notice of appeal from the oral initial decision rendered by Administrative Law Judge William A. Pope, II, on June 6, 1995, at the conclusion of the evidentiary hearing,<sup>2</sup> but he did not file an appeal brief by June 13.<sup>3</sup> Respondent was specifically informed by the law judge that his appeal brief would be due five days after the filing of the notice of appeal (Initial Decision at 179), and respondent apparently was cognizant of the requirement, as he specifically stated in his notice of appeal that a brief would follow in five days.<sup>4</sup>

Absent good cause to excuse the failure to file a timely appeal brief, the appeal must be dismissed. See Administrator v. Hooper, 6 NTSB 559, 560 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted, and
2. Respondent's appeal is dismissed.

HALL, Chairman, FRANCIS, Vice Chairman, and HAMMERSCHMIDT, Member of the Board, concurred in the above order.

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<sup>2</sup>By that decision the law judge affirmed an immediately effective order of the Administrator revoking all pilot certificates held by respondent, including commercial pilot certificate No. 1857020, for his alleged violation of 49 U.S.C. section 44710(b)(2).

<sup>3</sup>A one-page brief postmarked June 22, 1995 was received by the Board on June 27.

<sup>4</sup>Respondent's notice of appeal, dated June 8, 1995.